

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-33 were pending in the present patent application. By way of this reply, claims 2, 7-9, 13, 18-21, 24, and 29-31 have been cancelled without prejudice or disclaimer. Claims 1, 12, and 23 are independent. The remaining claims depend, either directly or indirectly, from claims 1, 12, and 23.

Claim Amendments

Claims 1, 3-6, 12, 14-17, 23, and 25-28 have been amended for clarification. Specifically, independent claims 1, 12, and 23 have been amended to incorporate the limitations of now-cancelled dependent claims. Claims 3-6, 14-17, and 25-28 have been amended to correct dependencies resulting from cancelling claims 2, 13, and 24. No new matter has been added by way of these amendments and no further search or consideration is required.

Information Disclosure Statement

Applicant respectfully requests the Examiner acknowledge and consider the references cited in the IDS submitted with this response.

Co-pending Application

Applicant respectfully requests the Examiner acknowledge the existence of co-pending U.S. Patent Application No. 10/075,783 filed on February 14, 2002.

Double Patenting

Claims 1-33 stand rejected under the judicially created doctrine of obviousness-type patenting as being unpatentable over claims 1-33 of U.S. Patent 6,819,192 in view of "Analysis of Jitter due to Power-Supply Noise in Phase-Locked Loops," authored by Heydari et al. (hereinafter "Heydari"). By way of this reply, claims 2, 7-9, 13, 18-21, 24, and 29-31 have been cancelled without prejudice or disclaimer and thus the rejection is now moot as to those claims. As for the remaining claims, an appropriate terminal disclaimer is submitted with this reply. Accordingly, this rejection is now moot.

Rejections under 35 U.S.C. §103

Claims 1, 4, 5, 7, 9-12, 15, 16, 18, 20-23, 26, 27, 29, and 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Heydari et al. By way of this reply, claims 7, 9, 18, 20, 21, 29, and 31 have been cancelled and thus the rejection is moot as to those claims. Also by way of this reply, the limitations of now-cancelled dependent claims 2, 13, and 24 have been incorporated into independent claims 1, 12, and 23 respectively. Accordingly claims 1, 4, 5, 10-12, 15, 16, 22, 23, 26, 27, 32, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Heydari in view of Applicant's Own Admission (hereinafter "AOA"). For the reasons set forth below, this rejection is respectfully traversed.

Amended independent claim 1 recites, in part, “wherein the representative power supply waveform is obtained from a physical system.” Amended independent claims 12 and 23 have similar limitations. The Examiner admits Heydari does not expressly disclose this limitation and relies upon AOA, specifically paragraphs [0031]-[0036] of the published specification, to disclose what Heydari lacks. (See Final Office Action dated March 16, 2006 at page 5). Applicant respectfully notes that paragraphs [0031]-[0036] of the published specification have been improperly characterized by the Examiner as “admitted prior art.” To the contrary, the cited paragraphs of the detailed description actually indicate that one of ordinary skill in the art having benefit of the present specification would be capable of obtaining a representative power supply waveform, in addition to other features. Moreover, if the Examiner is, in fact, relying on personal knowledge as the basis of this rejection, Applicant respectfully requests that the Examiner, pursuant to 37 C.F.R. §1.104(d)(2), supply an affidavit setting forth specific factual statements and explanation to support such a position. Accordingly, withdrawal of this improper rejection is respectfully requested.

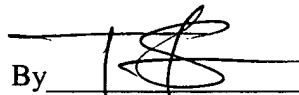
Claims 2, 3, 6, 8, 13, 14, 17, 19, 24, 25, 28, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heydari in view of AOA. By way of this reply, claims 2, 8, 13, 19, 24, and 30 have been cancelled and thus the rejection is moot as to those claims. As discussed above, because the cited statements are not admitted prior art, AOA cannot be properly applied in a rejection of the claims. Accordingly, withdrawal of this improper rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/171001).

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Respectfully submitted,

By 

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Attachments – Terminal Disclaimer and IDS